

BEFORE THE PUBLIC DISCLOSURE COMMISSION
OF THE STATE OF WASHINGTON

IN THE MATTER OF ENFORCEMENT)	PDC CASE NO: 04-419
ACTION AGAINST)	
)	
C. Foster Rose)	Notice of Administrative
)	Charges
)	
Respondent.)	
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IT IS ALLEGED as follows:

I.
JURISDICTION

Jurisdiction of this proceeding is based on Chapter 42.17 RCW, the Public Disclosure Act, Chapter 34.05, Administrative Procedure Act, and Title 390 WAC.

II.
LAW

RCW 42.17.020(8) states "Candidate" means any individual who seeks nomination for election or election to public office. An individual seeks nomination or election when he or she first: (a) Receives contributions or makes expenditures or reserves space or facilities with intent to promote his or her candidacy for office; (b) Announces publicly or files for office; (c) Purchases commercial advertising space or broadcast time to promote his or her candidacy; or (d) Gives his or her consent to another person to take on behalf of the individual any of the actions in (a) or (c) of this subsection.

RCW 42.17.770 states "A person may not solicit from a candidate for public office, political committee, political party, or other person money or other property as a condition or

consideration for an endorsement, article, or other communication in the news media promoting or opposing a candidate for public office, political committee, or political party.”

III. BACKGROUND

On April 10, 2003, Charles Foster Rose Jr. filed a Candidate Registration Statement (PDC Form C-1), declaring his candidacy for the office of Mayor of Bellingham for the 2003 election. Mr. Rose had previously served two terms as a Bellingham City councilman from 1986 to 1994, and had been a candidate for the Bellingham City Council on three occasions.

A newspaper article ran in the Bellingham Herald on October 22, 2003, reporting that Foster Rose solicited, from two mayoral candidates, an appointment to the paid position of deputy administrator for the City of Bellingham, in exchange for his endorsement. Additionally, a witness to the conversation between Mr. Rose and one of the candidates contacted PDC staff and confirmed that the solicitation had occurred.

Based on the information obtained from the newspaper account and the conversation with the party who witnessed one of the solicitations, on January 16, 2004, Vicki Rippie, Executive Director of the Public Disclosure Commission (PDC) filed a formal complaint against Mr. Rose alleging a violation of RCW 42.17.770.

IV. FACTS

These charges incorporate the Report of Investigation and all of its exhibits by reference.

Soliciting an appointment to a paid position of employment with the City of Bellingham, in exchange for an endorsement of a candidate for public office (RCW 42.17.770).

The Respondent, C. Foster Rose, was a “candidate” as defined in RCW 42.17.020 for the position of Mayor of the City of Bellingham for the 2003 election. Mr. Rose lost in a three-way contested primary election to the incumbent, Mayor Mark Asmundson, and to another mayoral candidate, Brett Bonner. Mayor Asmundson defeated Mr. Bonner in the general election.

In June 2003, Mr. Rose and Mayor Asmundson were present at a Saturday coffee/social of local democrats. At the time both Mr. Rose and Mayor Asmundson were candidates for the position of Mayor of Bellingham. At the meeting, Mr. Rose was asked if he would support Mayor Asmundson in the general election if he lost in the primary, and Mr. Rose confirmed that he would support Mayor Asmundson if he lost in the primary election.

Solicitation of Brett Bonner

Shortly after being defeated in the primary election, Mr. Rose contacted Mr. Bonner, the challenger to Mayor Asmundson in the general election. After discussing Mr. Bonner’s campaign positions and goals, Mr. Rose told Mr. Bonner that he would endorse him if Mr. Bonner would hire him as deputy mayor of the City of Bellingham. Mr. Rose confirmed that he made this solicitation offer to Mr. Bonner. Mr. Bonner confirmed that the solicitation offer occurred on September 19, 2003. Mr. Bonner said he told Mr. Rose he would think about the offer and get back to him. A short time later, Mr. Bonner contacted Mr. Rose and informed him that he could not offer him the deputy mayor position, should he be elected.

Solicitation of Mayor Mark Asmundson

Mayor Mark Asmundson sought his third term as Mayor of Bellingham in 2003. Prior to serving as Mayor, he served as a Bellingham City Council member for nine years. Mr. Rose said that after he lost in the 2003 primary election, people were pressuring him to endorse Mayor

Asmundson. Mayor Asmundson said some of his campaign people were pressuring him to contact Mr. Rose and ask for his endorsement. Mayor Asmundson set up a meeting, at which they discussed Mayor Asmundson's policies and past administration.

Mr. Rose said he expressed to Mayor Asmundson that he was unhappy with certain aspects of his policies. He said he struggled with his decision about whether to endorse Mayor Asmundson, but eventually decided to make the same offer to Mayor Asmundson that he had made to Mr. Bonner earlier. Mr. Rose said he then offered his endorsement in exchange for the position of deputy mayor. Mr. Rose said Mayor Asmundson did not respond to his offer, at the time of the offer or later.

On October 6, 2002, Mr. Rose again met with Mr. Bonner and several of Mr. Bonner's campaign workers. At that meeting, Mr. Rose made it clear that he would only endorse Mr. Bonner if he received a firm commitment that he would be given the position of deputy mayor, should Mr. Bonner be elected. On October 7, 2003, Mr. Bonner met with Mr. Rose and informed him that he would not offer the position of deputy mayor, if elected, in exchange for his endorsement. On October 16, 2003, Mr. Rose decided to endorse Mayor Asmundson, and sent a letter to the editor of the Bellingham Herald stating his endorsement.

V. **CONCLUSION**

- C. Foster Rose was a candidate for Mayor of Bellingham for the 2003 election cycle. Mr. Rose lost in a three-way contested primary election to the incumbent Mayor, Mark Asmundson, and to Brett Bonner.
- Mr. Rose told Mr. Bonner that he would endorse him if Mr. Bonner would hire him as deputy mayor of the City of Bellingham, should Mr. Bonner be elected. By doing so, Mr. Rose solicited property from a candidate as a condition for his endorsement of Mr. Bonner. Mr. Rose and Mr. Bonner confirmed that Mr. Rose made this solicitation offer.

- Mr. Rose told Mayor Asmundson that he would endorse him if Mayor Asmundson would hire him as deputy mayor of the City of Bellingham, should he be re-elected. By doing so, Mr. Rose solicited property from a candidate as a condition for his endorsement. Mr. Rose confirmed and Mayor Asmundson confirmed that Mr. Rose made this solicitation offer.

Staff alleges, based on the facts specified in Section IV, that C. Foster Rose has violated RCW 42.17.770 on two occasions:

- by soliciting from Brett Bonner, a candidate for Mayor of the City of Bellingham, the paid position of deputy mayor, should Mr. Bonner be elected, as a condition for his endorsement.
- by soliciting from Mayor Mark Asmundson, a candidate for Mayor of the City of Bellingham, the paid position of deputy mayor, should Mayor Asmundson be re-elected, as a condition for his endorsement.

RESPECTFULLY SUBMITTED this 13th day of May, 2004.

Philip E. Stutzman
Director of Compliance